



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 20 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jason Roughton
President
RJ Torching, Inc.
5061 Energy Drive
Flint, Michigan 48505

Re: Notice of Violation
Heavy Metal Scrap
Battle Creek, Michigan

Dear Mr. Roughton:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to RJ Torching, Inc. (you) under Section 113(a)(1) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a)(1). We find that you are violating the Michigan State Implementation Plan at your Battle Creek, Michigan facility.

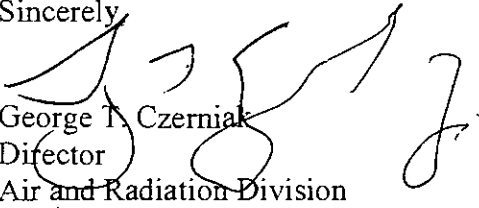
Section 113 of the CAA gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Ray Cullen. You may call him at (312) 886-0538 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,


George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Mary Douglas, MDEQ
Tom Hess, MDEQ

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

RJ Torching, Inc.
Battle Creek, Michigan

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

NOTICE OF VIOLATION

EPA-5-14-MI-3

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a)(1). EPA finds that RJ Torching, Inc. (RJ Torching) is violating the Michigan State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. On June 11, 1992, EPA approved R336.1301 as part of the federally enforceable Michigan SIP. *57 Fed. Reg. 24752* (June 11, 1992). On June 1, 2006, EPA approved a revision to R336.1301. *71 Fed. Reg. 31093* (June 1, 2006). R336.1301 first became federally effective on July 13, 1992, and the revision became federally effective on July 3, 2006.
2. R336.1301(1)(a) requires, in part, that a person shall not cause or permit to be discharged into the outer air from a process or process equipment visible emissions (VE) of a density greater than a 6-minute average of 20 percent opacity, except for one 6-minute average per hour of not more than 27 percent opacity.
3. On June 11, 1992, EPA approved definitions in R336.1101 and R336.1116 as part of the federally enforceable Michigan SIP. *57 Fed. Reg. 24752* (June 11, 1992).
4. R336.1116 defines "person," in part, as an individual, a company, or a corporation.
5. R336.1116 defines "process" as an action, operation, or a series of actions or operations at a source that emits or has the potential to emit an air contaminant.
6. R336.1116 defines "process equipment" as all equipment, devices, and auxiliary components, including air pollution control equipment, stacks, and other emission points, used in a process.
7. R336.1101 defines "air contaminant" as a dust, fume, gas, mist, odor, smoke, vapor, or any combination thereof.

Findings of Fact

8. RJ Torching owns and operates a scrap collection and processing facility at 989 North Raymond Avenue, Battle Creek, Michigan (otherwise known as Heavy Metal Scrap, or HMS), where it conducts torch cutting of metal scrap.
9. RJ Torching is a "person," as that term is defined at R336.1116.
10. Torch cutting is a "process," as that term is defined at R336.1116.
11. Emissions from torch cutting at HMS are "air contaminants," as that term is defined at R336.1101, and are subject to R336.1301.
12. On June 4 and 5, 2013, EPA conducted VE readings in accordance with EPA Method 9 of HMS' torch cutting operations.
13. RJ Torching had 12 instances at HMS from June 4 through June 5, 2013 when it exceeded the VE opacity limit of R336.1301(1)(a), as shown in the table below.

Inspection Date/Time	Emissions Color	6-Minute Average	Maximum Opacity Observed
6/4/13 2:06-2:36 p.m.	White, brown, and yellow	27.5% (2:06:00-2:11:45 p.m.) 21.9% (2:16:45-2:22:30 p.m.) ¹ 22.1% (2:23:00-2:28:45 p.m.) 24.8% (2:29:00-2:34:45 p.m.)	50% 45% 55% 60%
6/4/13 2:47-2:59 p.m.	White, brown, and yellow	34.2% (2:47:00-2:52:45 p.m.) 30.4% (2:53:00-2:58:45 p.m.)	65% 65%
6/4/13 3:11-3:41 p.m.	Brown and yellow	26.9% (3:11:15-3:17:00 p.m.)	70%
6/5/13 7:06-7:36 a.m.	Brown and yellow	44.0% (7:06:00-7:11:45 a.m.) 38.5% (7:12:00-7:17:45 a.m.) 21.7% (7:24:00-7:29:45 a.m.) ¹ 22.9% (7:30:00-7:35:45 a.m.)	80% 85% 70% 70%
6/5/13 8:08-8:26 a.m.	Brown and yellow	26.5% (8:08:00-8:13:45 a.m.) 24.8% (8:14:00-8:19:45 a.m.) 33.3% (8:20:00-8:25:45 a.m.)	50% 70% 75%

1 – As stated in paragraph 2, an affected source is allowed one 6-minute average per hour of not more than 27 percent opacity.

Violations

14. The VE readings described in paragraph 13, above, exceed the limits and constitute violations of R336.1301(1)(a).

Environmental Impact of Violations

15. Violations of opacity regulations increase public exposure to unhealthy particulate matter. Acute respiratory effects of the inhalation of particulate matter include narrowing of the airways and asthma attacks. Chronic respiratory effects include damage to lung tissue, increased pulmonary resistance, and fibrotic changes in lung tissue. Increased pulmonary resistance and fibrosis may lead to cardiovascular impairment.

Date

12/10/13


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-14-MI-3, by

Certified Mail, Return Receipt Requested, to:

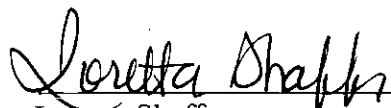
Jason Roughton, President
RJ Torching, Inc.
5061 Energy Drive
Flint, Michigan 48505

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Mary Douglas, Supervisor
Michigan Department of Environmental Quality
Kalamazoo District
7953 Adobe Road
Kalamazoo, Michigan 49009-5026

Tom Hess, Chief
Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 30260
Lansing, Michigan 48909

on the 23th day of December, 2013.


Loretta Shaffer,
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7669 6128